



DOCKET NO.: 0213-1431-0

ASSISTANT COMMISSIONER FOR PATENTS  
WASHINGTON, D.C. 20231

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OCT 10 2001  
TECH CENTER 1600/2900



Re: Serial No.: 09/534,995  
Applicant(s): Satoru NISHIMURA, et al.  
Filing Date: MARCH 27, 2000  
For: CHOLINE MONOOXYGENASE GENE  
GAU: 1635  
Examiner: EPPS

ATTORNEYS AT LAW

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SIR:

Attached hereto for filing are the following papers:

**1. Response to Restriction Requirement**

Our check in the amount of \$ -0- is attached covering any required fees. In the event any variance exists between the amount enclosed and the Patent Office charges for filing the above-noted documents, including any fees required under 37 C.F.R. §1.136 for any necessary Extension of Time to make the filing of the attached documents timely, please charge or credit the difference to our Deposit Account No. 15-0030. Further, if these papers are not considered timely filed, then a petition is hereby made under 37 C.F.R. §1.136 for the necessary extension of time. A duplicate copy of this sheet is enclosed.

Respectfully submitted,

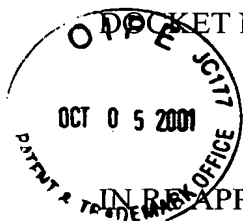
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**IN THE UNITED STATES PATENT & TRADEMARK OFFICE**

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IN RE APPLICATION OF:

Satoru NISHIMURA, et al.

:

: GROUP ART UNIT: 1635

SERIAL NO.: 09/534,995

:

FILED: MARCH 27, 2000

: EXAMINER: EPPS

FOR: CHOLINE MONOOXYGENASE GENE

**RESPONSE TO RESTRICTION REQUIREMENT**

ASSISTANT COMMISSIONER FOR PATENTS  
WASHINGTON, D.C. 20231

SIR:

Responsive to the Official Action mailed September 5, 2001, the Applicants elect, with traverse, Group I, Claims 2-6 and 8-17 for further prosecution.

**REMARKS**

The Office has restricted this application as follows under 35 U.S.C. §121:

- Group I: Claims 2-6, 8-17, drawn to a choline monooxygenase gene, a recombinant vector comprising said gene, a transformant comprising said vector, and a method for producing a choline monooxygenase;
- Group II: Claim 1 and 7, drawn to a recombinant protein that has choline monooxygenase activity; and
- Group III: Claim 18-22, drawn to a method for creating an environmental stress-resistant plant and/or a method for inducing accumulation of a polypeptide or plant metabolite.

Applicants have elected Group I, Claims 2-6 and 8-17 with traverse.